

### **Remarks**

In response to the Office Action mailed on March 21, 2007, the Applicant respectfully requests reconsideration in view of the following remarks. In the present application, claims 1, 25, 28, 31, 33, and 47 have been. The claims have been amended to correct various typographical errors and to specify monitoring whether the connection to the remote computing system via the selected connectivity source has failed; if the connection is detected as failed, then scheduling a poll on a background software thread; if the poll fails, then generating a notification that the connection to the remote computing system via the selected connectivity source is disconnected; attempting reconnection to the remote computing system; if more than one of the plurality of connectivity sources is available, then determining which of the plurality of available connectivity sources is a preferred connectivity source and wherein if a selected preferred connectivity source has a low bandwidth, then providing a notification that the user's computer is operating in a low bandwidth mode and altering the quantity and speed of data transmission on the user's computer according to an alternative bandwidth profile to reflect the reduced bandwidth availability of the low bandwidth connectivity source. Support for this amendment may be found on page 15, lines 13-24 in the Specification. No new matter has been added.

Claims 1-47 are pending in the application. Claims 1-7, 9-17, 20-24, 27-28, and 30-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Li (US 2004/0054804). Claims 8, 18, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Hanson et al. (US 7,136,645, hereinafter "Hanson"). Claims 19 and 32-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Blount et al. (US 6,070,184) and further in view of Hanson. Claims 25-26 are

rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Blount (US 6,070,184).

### **Applicant's Statement of the Substance of the Interview**

A telephonic interview between the undersigned representative for the Applicant and the Examiner was held on August 10, 2007 to discuss proposed amendments to the claims in view of the cited references Li and Hanson. During the interview, it was agreed that the cited references do not appear to disclose monitoring whether a connection to a remote computing system via a selected connectivity source has failed, if the connection is detected as failed, then scheduling a poll on a background software thread, if the poll fails, then generating a notification that the connection to the remote computing system via the selected connectivity source is disconnected, and attempting reconnection to the remote computing system. In order to further prosecution, it was suggested by the Examiner that claim amendments reciting the aforementioned features be submitted for further consideration and/or search.

### **Claim Rejections - 35 U.S.C. §102**

Claims 1-7, 9-17, 20-24, 27-28, and 30-31 are rejected as being anticipated by Li. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a method of monitoring and providing online connectivity sources. The method includes monitoring a connectivity status of one or more connectivity sources, selecting one of one or more available connectivity sources for use for online communications, connecting a user's computer to a remote computing system via the selected available connectivity source, monitoring whether the connection to the remote computing system via the selected connectivity source has failed, if the

connection is detected as failed, then scheduling a poll on a background software thread, if the poll fails, then generating a notification that the connection to the remote computing system via the selected connectivity source is disconnected, attempting reconnection to the remote computing system, if the selected connectivity source is lost, determining whether a second connectivity source is available, and if a second connectivity source is available, automatically connecting the user's computer to the remote computing system via the second connectivity source without user action.

It is respectfully submitted that Li fails to teach, disclose, or suggest each and every feature specified in amended claim 1. For example, Li fails to disclose monitoring whether the connection to the remote computing system via the selected connectivity source has failed, if the connection is detected as failed, then scheduling a poll on a background software thread, if the poll fails, then generating a notification that the connection to the remote computing system via the selected connectivity source is disconnected, attempting reconnection to the remote computing system.

Li discusses failure recovery for a high-speed modem that is connected through a router to various connected Internet appliances. The failure recovery is accomplished by using one of the Internet appliances as a gateway with a dial-up connection and directing all the other Internet appliances to the gateway so that when the high-speed modem fails, Internet access is provided by a single dial-up connection on the gateway that is shared by all the Internet appliances connected to the router. See paragraphs 0017-0018.

Li however, in contrast to amended claim 1, while discussing providing a dial-up connection in the event of a high-speed modem failure, fails to teach or suggest scheduling a poll on a background software thread and if the poll fails, then generating a

notification that the connection to the remote computing system via the selected connectivity source is disconnected and then attempting reconnection to the remote computing system. Instead, Li merely discusses the routing of IP packets from/to various Internet appliances to/from the Internet through a dial-up connection gateway (see paragraph 0042) and is thus silent with respect to the utilization of a background software thread to poll a connection for determining whether the connection is disconnected, generating a disconnection notification, and further attempting a reconnection with the remote computing system.

Based on the foregoing, amended claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 7, 9-10, 12-17, 20-24, and 27 depend from amended claim 1, and are thus allowable for at least the same reasons. Amended claim 28 specifies similar features as amended claim 1 and is also allowable over Li for at least the same reasons discussed with respect to claim 1. Claim 31 depends from amended claim 28 and thus is allowable for at least the same reasons. Therefore, the rejection of claims 7, 9-10-12-17, 20-24, 27-28, and 31 should also be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

#### Claims 8, 18, and 29

Claims 8, 18, and 29 are rejected as being unpatentable over Li in view of Hanson. The rejection of these claims is respectfully traversed.

It is respectfully submitted that the combination of Li and Hanson fails to each, disclose, or suggest each of the features specified in claims 8, 18, and 29. Claims 8 and 18 depend from amended claim 1 and thus specify at least the same features. Therefore these claims are allowable over Li for at least the same reasons discussed above with

respect to amended claim 1. Claim 29 depends from amended claim 28 which specifies similar features as amended claim 1. Therefore, claim 29 is also allowable over Li for at least the same reasons discussed above with respect to amended claim 1.

Hanson, relied upon in the Office Action for allegedly curing the deficiencies of Li, discusses enabling existing network applications to run reliably in mobile environments. A Mobility Management Server coupled to a mobile network maintains the state of each of any number of Mobile End Systems and handles complex session management required to maintain persistent connections to the network and to other peer processes. See Abstract. Hanson further discusses a protocol which the Mobility Management Server utilizes to stop retransmitting frames for a particular connection if it receives no notification from a corresponding Mobile End System. When this occurs, the Mobility Management Server assumes that the Mobile End System is in some unreachable state and places the connection in a dormant state. See Col. 30, lines 22-34. Hanson however, fails to teach, disclose or suggest utilizing a background software thread to poll a connection for determining whether the connection is disconnected, generating a disconnection notification, and further attempting a reconnection with the remote computing system, as specified in claims 8, 18, and 29. In particular, Hanson fails to disclose polling a connection for determining whether a connection is disconnected or generating a disconnection notification. Therefore, based on the foregoing, claims 8, 18, and 29 are allowable and the rejection of these claims should be withdrawn.

Claims 19 and 32-47

Claims 19 and 32-47 are rejected as being unpatentable over Li in view of Blount and Hanson. The rejection of these claims is respectfully traversed.

It is respectfully submitted that the combination of Li, Blount, and Hanson fails to teach, disclose, or suggest each of the features specified in claims 19 and 32-47. Claim 19 depends from amended claim 1 and claim 32 depends from amended claim 28. Therefore, these claims are allowable over the combination of Li and Hanson for at least the same reasons as amended claims 1 and 28. Amended claim 33 specifies similar features as amended claims 1 and 28 and is thus allowable over the combination of Li and Hanson for at least the same reasons. Claims 34-47 depend from amended claim 33 and are thus allowable over the combination of Li and Hanson for at least the same reasons.

Blount, relied upon in the Office Action for allegedly curing the deficiencies of Li and Hanson, discusses communicating with a web browser executing on a remote/mobile processing system which is temporarily and intermittently connected to a second computer by storing in a persistent request queue at the second computer, a request from the web browser to a server application accessible to the second computer. An interim response is provided to the web browser in response to the request from the client application. The stored request is provided to the server application and a response is received from the server application. The received response may then be provided to the web browser executing on the remote/mobile processing system. See Col. 3, lines 30-44.

Blount however, fails to teach, disclose or suggest utilizing a background software thread to poll a connection for determining whether a connection is disconnected, generating a disconnection notification, and further attempting a reconnection with the remote computing system, as specified in claims 19 and 32-47.

Instead, Blount is concerned with storing requests in a request queue until a connection is available. Thus, Blount fails to disclose at least polling to determine a disconnected connection or generating a disconnection notification and further attempting a reconnection with a remote computer system.

#### Claims 25-26

Claims 25-26 are rejected as being unpatentable over Li in view of Blount. The rejection of these claims is respectfully traversed.

It is respectfully submitted that the combination of Li and Blount fails to teach, disclose, or suggest each of the features specified in claims 25-26. Claims 25-26 depend from amended claim 1 and thus recite at least the same features. As discussed above with respect to the discussion of claims 19 and 32-47, the features specified in amended claim 1 (i.e., utilizing a background software thread to poll a connection for determining whether the connection is disconnected, generating a disconnection notification, and further attempting a reconnection with the remote computing system) are allowable over the combination of Li and Blount. Therefore, claims 25-26 which recite at least these same features are also allowable over Li and Blount and the rejection of these claims should be withdrawn.

#### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

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